

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES T. SULLIVAN, etc., et al.,)	
)	
Plaintiffs,)	No. 11 C 6896
)	
v.)	Judge Feinerman
)	
AQUATECH MECHANICAL CONTRACTOR, INC.,)	Magistrate Judge Nolan
an Illinois corporation,)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT

NOW COME Plaintiffs, JAMES T. SULLIVAN, etc, et al., by their attorneys,
DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, and BRIAN T. BEDINGHAUS, with
ROETZEL & ANDRESS, LPA, of counsel, and move the Court pursuant to Fed. R. Civ. P. 55(b)(2),
to enter default judgment against Defendant, AQUATECH MECHANICAL CONTRACTOR,
INC., in the amount of \$7,863.98. In support hereof, Plaintiffs state:

1. Plaintiffs, James T. Sullivan, not individually but as Trustee of Plumbers' Pension Fund, Local 130, U.A., etc., et al., filed their Complaint on September 30, 2011, to recover all liquidated damages and interest on untimely paid contributions, plus professional fees and costs and other relief under a Collective Bargaining Agreement ("Agreement") in effect between Defendant and Plaintiff, CHICAGO JOURNEYMEN PLUMBERS' LOCAL UNION 130, U.A. ("Union"), and pursuant to ERISA, 29 U.S.C. §§1132 and 1145, and LMRA, 29 U.S.C. §185, during the period from January 1, 2007, through July 31, 2009. *See Complaint, Docket No. 1.*

2. Defendant was served with process on October 9, 2011. A true and correct copy of the Return of Service is attached hereto as Exhibit A.

3. Pursuant to Fed. R. Civ. P. 12(a)(1), Defendant was required to answer the Complaint by October 31, 2011.

4. As of the date of filing of this Motion, Defendant has failed to appear and answer the Complaint and is in default.

5. On or about December 14, 2009, Plaintiffs' auditor, Legacy Professionals LLP, issued a Compliance Report to the Trustees ("Audit Report") covering the period from January 1, 2007, through July 31, 2009. A true and correct copy of the Audit Report is attached hereto as Exhibit B.

6. The Audit Report revealed that for the period January 1, 2007, through July 31, 2009, Defendant owed Plaintiffs \$3,679.05 in delinquent contributions, interest and liquidated damages through November 30, 2009. See Exhibit B.

7. On or about December 30, 2009, Defendant paid Plaintiffs \$2,484.28 toward the unpaid contributions portion of the audited delinquency, but Defendant failed and refused to pay the liquidated damages and interest due.

8. As of November 15, 2011, Plaintiffs' damages are calculated as follows:

\$1,033.29	Interest on unpaid contributions through December 30, 2011, per §9.8 of Agreement and 29 U.S.C. § 1132(g)(2)(B)
\$1,033.29	ERISA double interest, per 29 U.S.C. § 1132(g)(2)(C)(i)
\$198.74	Liquidated damages per §9.8 of Agreement
\$2,205.45	Audit costs per 29 U.S.C. §1132(g)(2)(E) (see Affidavit of James Kemperas, attached as Exhibit C)
\$3,223.21	Attorneys' fees and costs per §29 U.S.C. § 1132(g)(2)(D) (see Affidavit Concerning Attorneys' Fees and Costs attached hereto as Exhibit D)

\$7,693.98

Total due as of 11/15/2011.

9. Plaintiffs' attorney, Brian T. Bedinghaus, will render an estimated additional 1 hour of legal services, at a rate of \$170.00 per hour, for presentation of this motion.

10. Plaintiffs request that the Court enter judgment in their favor and against Defendant in the amount of \$7,863.98 in the form of the Judgment Order submitted to the Court by email in accordance with the Court's procedures on November 15, 2011, a copy of which is attached to the copy of the motion served on Defendant as Exhibit E.

WHEREFORE, Plaintiffs, JAMES T. SULLIVAN, etc., et al., request that the Court enter Judgment in favor of Plaintiffs and against Defendant, AQUATECH MECHANICAL CONTRACTOR, INC., in the amount of \$7,863.98.

JAMES T. SULLIVAN, etc., et al., by their
attorneys, DOUGLAS A. LINDSAY, JOHN W.
LOSEMAN, and BRIAN T. BEDINGHAUS

By: /s/ Brian T. Bedinghaus
Brian T. Bedinghaus
20 N. Clark Street, Suite 3200
Chicago, IL 60602
312.580.1269

Of Counsel:
ROETZEL & ANDRESS, LPA
20 N. Clark Street, Suite 3200
Chicago, IL 60602
312.580.1200


CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT on the following:

Aquatech Mechanical Contractor, Inc.
c/o Mukesh Jhaveri, president
8902 N. Octavia Ave.
Morton Grove, Illinois 60053

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with proper first class postage prepaid, and deposited with the U.S. Postal Service at 20 N. Clark Street, Chicago, IL on November 15, 2011.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.


CHRISTINE USYAK

Of Counsel:
ROETZEL & ANDRESS, LPA
20 N. Clark Street, Suite 3200
Chicago, IL 60602
312.580.1200